



Department of Defense INSTRUCTION

AD-A270 277



June 3, 1991
NUMBER 1342.18

ASDCFM&P

SUBJECT: Criteria and Procedures for Providing Assistance to Local Educational Agencies (LEAs)

- References:
- (a) Title II of Public Law 101-511, "Department of Defense Appropriations Act," November 5, 1990
 - (b) Section 3 of Public Law 81-874, "Educational Agencies Financial Aid Act," September 30, 1950, as amended (20 U.S.C. 238)
 - (c) Public Law 89-10, "Elementary and Secondary Education Act of 1965," April 11, 1965
 - (d) Public Law 100-297, "Hawkins-Stafford Elementary and Secondary Education Amendments of 1988," April 28, 1988 (34 C.F.R. 222.3 and 2021)
 - (e) Section 101 of title 10, United States Code

A. PURPOSE

This Instruction establishes policy, assigns responsibilities, and prescribes procedures under reference (a) for the Department of Defense to provide financial assistance to the LEAs that are heavily impacted by the military presence.

B. APPLICABILITY AND SCOPE

This Instruction applies to:

1. The Office of the Secretary of Defense (OSD).
2. The schools operated by the LEAs providing free public education to dependent children of Armed Forces members or DoD civilian personnel who reside on Federal property.

C. DEFINITIONS

Terms used in this Instruction are defined in enclosure 1.

D. POLICY

It is DoD policy that:

1. During fiscal year (FY) 1991, the Department of Defense shall obligate 10 million dollars to assist the LEAs that meet criteria in subsection D.3., below. Of this 10 million dollars:

a. Eight hundred and eighty-six thousand dollars shall be provided to the Killeen, Texas, Independent School District.

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b. One hundred and sixty-seven thousand dollars shall be provided to the Copperas Cove, Texas, Independent School District.

c. The remaining 8,947,000 dollars shall be used only to assist the eligible LEAs operating schools that provide free public education to dependent children of Armed Forces members or DoD civilian personnel who:

(1) While attending those schools, reside on Federal property.

(2) Without such additional assistance, are unable to provide a level of education for such dependents equal to the comparable level of education provided in the State where such dependents reside.

2. The OSD shall consult with the Office of the Secretary of Education before providing financial assistance to the LEAs.

3. To be eligible for financial assistance:

a. The LEA must be unable, without such additional assistance, to provide a level of education for such students equal to the comparable level of education provided in the State where such students reside (as determined by comparable student data).

b. The LEA has in school year (SY) 1990 - 1991 an average daily attendance (ADA) of military section 3(a) or 3(b) students (see enclosure 1, definitions 7. and 8.) or a combination of military section 3(a) and 3(b) students that is not less than 35 percent of the LEA's total ADA. At least two students attending the LEA must be the dependents of Armed Forces members or of DoD civilian personnel. (For the purposes of this section, the Department of Defense shall rely on ADA data from the U.S. Department of Education (DoED)).

c. For the prior and current FYs, the LEA has applied for and received, or shall receive, financial assistance from all regular Federal and State educational aid programs available to it, including the Impact Aid Program (Pub. L. No. 81-874, Section 3, reference (b)).

d. The eligibility of the LEA under State law for State aid for free public education, and the amount of that aid, is no different than the eligibility and amounts received by the LEAs without military dependent students.

e. The LEA files the following with the Assistant Secretary of Defense (Force Management and Personnel (ASD(FM&P)):

(1) A letter of application (see enclosure 2).

(2) One original and two copies of Table 8-3 and Table 9, which are published by the DoED, from the following forms:

(a) ED Form 4019 (Revised 8/90 Page 8), "Fiscal Report For Sections 2,3(d)(2)(B), and 3(d)(3)(B)(ii) Payment Purposes."

(b) ED Form 4019 (Revised 8/90 Page 9), "Financial Burden and Effort Data."

(3) A copy of an independently audited financial report of the applicant LEA for the second preceding FY.

4. The eligible LEAs shall receive financial assistance only for those students who are dependent children of military personnel residing on Federal property while attending a school of the applicant LEA.

5. Applications for financial assistance, under paragraph D.1.a. through subparagraph D.1.c.(2), above, must be received no later than June 30, 1991.

6. The amount of assistance (the DoD contribution) for the eligible LEAs may not exceed the amount derived from the following formula:

a. Of the 10 million dollars available:

(1) Eight hundred and eighty-six thousand dollars shall be provided to the Killeen, Texas, Independent School District.

(2) One hundred and sixty-seven thousand dollars shall be provided to the Copperas Cove, Texas, Independent School District.

(3) Of the 8,947,000 dollars remaining:

(a) Amounts of 6,531,310 dollars shall be obligated to those eligible LEAs, whose per-pupil expenditure (PPE) for the second preceding FY was less than the average PPE in the State for the second preceding FY.

(b) Amounts of 2,415,690 dollars shall be obligated to those eligible LEAs, whose PPE for the second preceding FY was equal to, or greater than, the average PPE in the State for the second preceding FY. (For the purposes of this section, the Department of Defense will rely on PPE data from the DoED.)

b. For those eligible LEAs, whose average PPE for the second preceding FY was less than the average PPE in the State for the second preceding FY, the LEA shall receive an amount, as follows:

(1) Equal to the LEA's military section 3(a) ADA for SY 1990 - 1991.

(2) Multiplied by the quotient of the funds available to those LEAs, whose PPE for the second preceding FY was less than the average PPE in the State for the second preceding FY (6,531,310 dollars).

(3) Divided by the sum of the ADAs for SY 1990 - 1991 of military section 3(a) students of those same eligible LEAs.

c. For those eligible LEAs, whose average PPE for the second preceding FY was equal to, or greater than the average PPE in the State for the second preceding FY, the LEA shall receive an amount, as follows:

(1) Equal to the LEA's military section 3(a) ADA for SY 1990 - 1991.

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(2) Multiplied by the quotient of the funds available to those LEAs, whose PPE for the second preceding FY was equal to, or greater than, the average PPE in the State for the second preceding FY (2,415,690 dollars).

(3) Divided by the sum of the ADAs for SY 1990 - 1991 of military section 3(a) students of those same eligible LEAs.

d. The sum of the ADAs for SY 1990 - 1991 for the military section 3(a) students in Killeen, Texas, Independent School District, and the Copperas, Texas, Independent School District, shall:

(1) Be deducted from the sum of the ADAs for SY 1990 - 1991 for the military section 3(a) students of all the eligible LEAs.

(2) Not be used in calculating the DoD contribution.

e. The LEAs that have been identified in Pub. L. No. 101-511, Title II (reference (a)), shall receive the specified amount, but shall not be eligible for additional funding under subparagraphs D.6.a.(1) through D.6.a.(3), above.

f. The ASD(FM&P) shall calculate the proposed contribution.

7. The contribution may be used for all students in the LEA, at the discretion of the appropriate officials in the LEA.

E. RESPONSIBILITIES

1. The Assistant Secretary of Defense (Force Management and Personnel) shall:

a. Ensure the implementation of those policies and procedures.

b. Provide assistance, as required, to the potentially eligible LEAs to meet the requirements in subparagraphs D.3.e.(1) through D.3.e.(3), above.

2. The General Counsel of the Department of Defense shall provide legal advice for the implementation of this Instruction.

F. PROCEDURES

1. An applicant requesting assistance under those criteria for FY 1991 in paragraphs D.3.a. through D.3.d., above, shall submit the following:

a. A letter of application (see sample in enclosure 2).

b. One original and two copies of Table 8-3 and Table 9, which are published by the DoED, from the following forms:

(1) ED Form 4019 (Revised 8/90 Page 8), "Fiscal Report For Sections 2,3(d)(2)(B), and 3(d)(3)(B)(ii) Payment Purposes."

(2) ED Form 4019 (Revised 8/90 Page 9), "Financial Burden and Effort Data."

c. A copy of an independently audited financial report of the applicant LEA for the second preceding FY, requesting a contribution and ensuring the ASD(FM&P) that the LEA has applied for, has received, or shall receive all financial assistance from other sources for which it is qualified.

d. The letter of application to the following address:


Assistant Secretary of Defense
(Force Management and Personnel)
Washington, DC 20301 4000

2. The applicant shall file a copy of the letter of application for financial assistance and required supportive information with the State educational agency (SEA). The SEA may submit comments on the LEA's application to the Department of Defense (at the address in subsection F.1., above), by July 15, 1991. Such comments shall be considered, when applications are reviewed by the OSD.

3. The application and all required supporting information must reach the ASD(FM&P) no later than June 30, 1991.

G. EFFECTIVE DATE

This Instruction is effective immediately.


Assistant Secretary of Defense
(Force Management and Personnel)

Enclosures - 2

1. Definitions
2. Sample Letter of Application for Financial Assistance

DEFINITIONS

1. Applicant. Any LEA whose ADA for military section 3(a) and section 3(b) students equals at least 35 percent of its total ADA and that submits a letter of application to the Department of Defense; files an application for financial assistance; has received, or shall receive funds under section 3 of the Impact Aid Program; and submits documents and forms required by subparagraphs D.3.e.(1) through D.3.e.(3) in this Instruction.
2. Current Expenditures. Expenditures for free public education, including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities, but not including expenditures for community services, capital outlay, debt service, or any expenditures made from funds under Pub. L. No. 89-10, Title I (reference (c)). See the amended definition of "current expenditures" in Pub. L. No. 100-297 (1988) (reference (d)).
3. DoD Contribution. The amount of financial assistance an applicant shall receive under Pub. L. No. 101-511, Title II (reference (a)).
4. Federal Property. Real property that because of Federal law, agreement, or policy is exempt from taxation by a State or political subdivision of a State and that the United States owns in fee simple or leases from another party.
5. Local Educational Agency (LEA). A public organization (usually a school district) that has the authority to operate public schools within the limits of the applicable State law.
6. Military Personnel. A person who is an Armed Forces member serving on active duty.
7. Military 3(a) Student. A child who attends the school(s) of a LEA that provides free public education and who, while attending such school(s) of the LEA, resides on Federal property and has a parent who is on active duty in the Armed Forces (as defined in Section 101 of 10 U.S.C., reference (e)).
8. Military 3(b) Student. A child who attends the schools of a LEA that provides a free public education and who, while attending such school(s), has a parent who is on active duty in the Armed Forces (as defined in reference (e)) but does not reside on Federal property.
9. Parent. The lawful father or mother of a person.
10. Per-Pupil Expenditure (PPE). The average current expenditure for an individual student.

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SAMPLE LETTER OF APPLICATION FOR FINANCIAL ASSISTANCE

Assistant Secretary of Defense
(Force Management and Personnel)
Washington, DC 20301 4000

Dear Mr. Assistant Secretary:

Pursuant to Title II of Public Law 101 511, "Department of Defense Appropriations Act," November 5, 1991, the (name of the local educational agencies (LEA)) requests financial assistance for the LEA for school year 1990 - 1991.

We certify that the LEA has applied for financial assistance from all sources, including the State of (name). We understand that funds available for that purpose shall be paid on a per pupil basis for military section 3(a) students only. Enclosed find an original, and two copies, of Tables 8-3 and 9 from the "Application For School Assistance in Federally Affected Areas," published by the U.S. Department of Education, and a copy of our independent audit "(Title)" prepared by (name of firm or agency).

We have submitted a complete and timely application for Section 3 impact aid assistance to the Secretary of Education. A copy of this letter, with the above supporting information, is being submitted to the State educational agency.

Sincerely,

(Authorized LEA Official)